

BELLA VISTA CITY COUNCIL REGULAR MEETING MINUTES – OCTOBER, 26, 2020

CALL TO ORDER- Mayor Christie brought the meeting to order at 6:30PM.

PLEDGE of allegiance was recited.

ROLL CALL OF COUNCIL, Clerk Jertson took roll; Council Members, Wozniak, Flynn, Lloyd, Fowler, Bourke and Wilms present.

CITIZEN INPUT- Mayor Christie read input received from citizens.

In today's issue of the Weekly Vista, we saw that the common council is considering an ordinance requiring fenced enclosures around outdoor pools, spas and hot tubs. We understand that any in-ground, uncovered pool or spa could be a safety hazard. However, we and many other Bella Vistas have above ground, covered hot tubs on our patios and decks that would be virtually impossible to accidentally fall into. It would take a deliberate action for someone to open the cover and climb in, and anybody under 4' tall would have difficulty climbing in on their own. In the interests of safety, we'd be willing to lock the cover when not in use, but fencing in patios or decks, in our opinion, is overkill. Thank you for your consideration. Chris and Carol Tabat.

Jim Parsons had some concerns he sent four proposals to me a couple of weeks ago asking that I call him, which I did. All 4 proposals were shared with council members. He agreed that Proposals 1 and 3 are not city issues.

I mentioned that Council had discussed bow hunting at the Aug and Sept work sessions and that we had consulted with Game & Fish who urged us not to prohibit the use of bows and arrows for hunting as culling helps maintain the health of the herd. We discussed the number of deer accidents involving motor vehicles. I also informed him that the POA biologist had addressed Council and informed us that they were in discussion with Game & Fish about adoption of a deer program that is in place.

I informed Col. Parsons that the advocate for selling water from his well had addressed Council many months ago. Shortly thereafter, I met with them. They had done very little research. I advised them to contact State Natural Resources to obtain guidance and direction. They agreed to do so. I have had no further contact with them. Another proposals of Mr. Parsons was concerning water pressure issues which is a POA issue that residents need to report to the them. At the end of our discussion I told Col. Parsons that I would mention his proposals during Public Input at our upcoming meeting on Monday.

Council Reply- Council member Wilms commented on water pressure issues mentioned in Jim Parsons concerns. He offered some thought on how to solve the issue. He also commented on the proposal of starting a water system by a private party and stated that was not possible under current laws. State agencies control that type of service. Council member Fowler mentioned that he felt that the proposed Ordinance on pools and hot tubs addressed the concerns of the Tabat's. Council member Lloyd mentioned that she had some communication with the Tabat's and that they were fine with the actual wording of the Ordinance as it relates to hot tubs and spas.

Next on the agenda is the approval of the Minutes from the September 28 Regular meeting. Council member Wilms offered an amendment to the minutes that would state why he abstained from the vote. He felt that the plan was deficient in several areas including chapter 6. There was some discussion on his amendment to the minutes. It was decided that a second to his motion needed to be made in order to

continue discussion. Council member Bourke seconded the motion. More discussion continued with comment from John Flynn that the change was far too wordy and should just be a brief statement that he abstained because he felt the plan was deficient. Council member Bourke offered to withdraw his second on the motion. Council member Wilms then withdrew his motion. Mr. Wilms then offered different wording as part of a new motion to amend. He stated that he felt the plan was lacking in detail in many areas including Chapter 6. His motion was seconded by Council member Fowler. Roll call vote was held. Wozniak and Lloyd voted nay. Council member Flynn abstained. Council members Fowler, Bourke and Wilms voted aye. Mayor Christie choose not to vote and it failed. Then there was a motion to approve the minutes as presented by Flynn, second by Bourke. Roll call vote; Ayes: Fowler, Flynn, Lloyd and Bourke. Nays: Wilms. Wozniak abstained because he was not at the meeting. Minutes approved as submitted.

Approval of the minutes from the October 19 Special Meeting. Motion to approve by Fowler, second by Flynn. Vote was taken. Wozniak, Flynn, Bourke, Fowler and Lloyd voting aye. Wilms abstained because he was unable to participate fully due to technical problems. Minutes approved.

Financial Report; Mayor Christie stated that the city remains in a very good financial state. The financial statement is available at city hall for any residents that wish to get a copy.

Motion to suspend the rules and read all Ordinances and Resolutions by title only made by Wilms, second by Wozniak. Ayes: 6 Nays: 0

OLD BUSINESS:

ORDINANCE NO. 2020- AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ADD AN ARTICLE IV-UNSAFE AND HAZARDOUS TREES TO CHAPTER 20-NUISANCES TO REQUIRE THE REMOVAL OF DEAD OR HAZARDOUS TREES. (Third reading)

Motion to approve by Lloyd, second by Flynn. Discussion held, Council member Bourke then stated his feeling that the city should not be involved in this issue. He does not like the wording in the Ordinance, he feels that the wording is inconsistent in the Ordinance and that it is not clear for people to understand. Council member Wilms agreed with Bourke in that the wording is not clear and contradicts itself. Staff Attorney Kelley noted that the wording in the Ordinance is there to reference the notice process in the Ordinance. Council member Fowler said that he wishes that we did not have to have this Ordinance, that property owners would just do the right thing and work with their neighbors in these situations. He does feel that the city needs to regulate this issue. Council member Lloyd feels that is an important issue for the city to be involved with. It can help residents who do not know how to handle the issues that arise. Larry Wilms agreed that the city does need to be involved in this issue. He made a motion to table the Ordinance to the November meeting Council member Lloyd agreed to withdraw her motion to approve in favor of tabling the motion allow for a rewording of the Ordinance. Council member Flynn then withdrew his second. Then a motion to table until Novembers meeting made by Wilms, second by Bourke.

Council member Bourke stated that he does not support the Ordinance in principal and will not be a part of cleaning up the wording. Council member Lloyd stated that she is concerned that the person who wants the wording cleaned up does not want to be a part of changing that wording. Council member Fowler then stated that he would get together with CDS

Director Doug Tapp and work on the rewording of the Ordinance. Vote was unanimous to table. It will come back on third reading at the November 16th meeting.

ORDINANCE NO 2020-11-AMENDING SECTION 109-250 POOLS AND SPAS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE A FENCE ENCLOSURE AROUND ALL OUTDOOR POOLS (INCLUDING ABOVE- GROUND), SPAS AND HOT TUBS GREATER THAN TWO (2) FEET IN DEPTH TO RESTRICT ACCESS BY CHILDREN. (Third reading)

Council member Bourke feels that this Ordinance is not necessary and the city should not be doing this. Council member Wilms also had some reservations about the timing of this ordinance. The Mayor asked if there was a desire to table, there was none. Council member Flynn made a motion to approve, second by Wozniak. Roll call vote; Ayes: Lloyd, Flynn, Wozniak, Fowler, Wilms. Nays: Bourke. Motion adopted.

NEW BUSINESS:

ORDINANCE 2020-12- SETTING THE AMOUNT OF ADDITIONAL FINE TO BE LEVIED PURSUANT TO ARK. CODE ANN. § 16-17-129 TO DEFRAY THE COSTS OF INCARCERATING CITY PRISONERS, AND FOR OTHER PURPOSES. (Staff requests move to 3rd & Final)

Motion to move to third and final reading by Larry Wilms, second by John Flynn. Roll call vote taken and passed 6 for and no opposed. Motion to adopt by Linda Lloyd, second by Jim Wozniak and was supported unanimously.

R2020-63-RESOLUTION- AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BREEDEN DODGE OF FORT SMITH FOR THE PURCHASE OF A 2020 DODGE RAM TRUCK, PURSUANT TO A STATE PROCUREMENT CONTRACT, IN AN AMOUNT NOT TO EXCEED \$28,675.00 FOR THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT. Council member Wilms asked if they could get by with a mid-size pick-up instead of a full size unit. CDS Director Tapp stated that they often travel with two staff and their gear in the cab, as well as items in the bed of the truck. Vote to approve by Fowler, second by Flynn. Ayes: 6 Nays: 0

R2020-64-RESOLUTION- SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2021. Motion to approve by Flynn, second by Wozniak. Ayes: 6 Nays: 0

R2020-65-RESOLUTION- APPROVING THE APPOINTMENT OF ASHLEY JONES TO A FIVE (5) YEAR TERM ON THE PUBLIC LIBRARY ADVISORY BOARD TO BEGIN JANUARY 1, 2021, REPLACING CALEB ELLICOTT. Motion to approve by Fowler, second by Flynn. Ayes: 6 Nays: 0

R2020-66-RESOLUTION-APPROVING THE RE-APPOINTMENT OF MARIANNE FARNER TO A FIVE (5) YEAR TERM ON THE PUBLIC LIBRARY ADVISORY BOARD TO BEGIN JANUARY 1, 2021. Motion to approve by Wozniak, second by Flynn. Ayes: 6 Nays: 0

R2020-67-RESOLUTION-AMENDING THE 2020 CITY BUDGET TO APPROPRIATE \$5,404,958.63 IN RESTRICTED MUNICIPAL FIRE IMPROVEMENT BOND REVENUE TOWARD QUALIFIED FIRE IMPROVEMENT PROJECT EXPENDITURES AND TO APPROPRIATE \$18,483,998.67 IN RESTRICTED MUNICIPAL PUBLIC SAFETY IMPROVEMENT BOND REVENUE TOWARD QUALIFIED PUBLIC

SAFETY IMPROVEMENT PROJECT EXPENDITURES. *Motion to approve by Wilms, second by Flynn.*

Ayes: 6 Nays: 0

R2020-68-RESOLUTION-ESTABLISHING RESIDENTIAL AND COMMERCIAL RATES FOR SOLID WASTE (TRASH) COLLECTION IN THE CITY. *Motion to approve by Flynn, second by Fowler. Roll call vote taken resulted in 6 Ayes, 0 Nays.*

R2020-69-RESOLUTION- APPROVING THE MAYOR'S APPOINTMENT OF JEFFERY WALTON TO POSITION 6 ON THE BELLA VISTA BOARD OF ZONING ADJUSTMENT FOR A TERM ENDING OCTOBER 1, 2023.

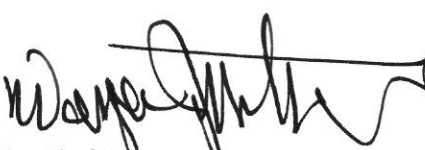
Motion to approve by Wilms, second by Flynn. Ayes: 6 Nays: 0

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday November 9, 2020-at 5:30PM by Zoom meeting.
- The next Regular meeting of the City Council, Monday November 16, 2020 at 6:30 PM by Zoom meeting.
- Planning Commission Work Session will be October 29, 2020 at 4:30PM by Zoom meeting.
- Planning Commission Regular Meeting will be November 9, 2020 at 4:30PM by Zoom meeting.
- Board of Zoning Adjustment will be November 17, 2020 at 5:30PM by Zoom meeting.
- Board of Construction Appeals will be November 10, 2020 by Zoom meeting.
- City Council Budget Work Session will be November 30, 2020 by Zoom.

Mayor Christie thanked all who attended the meeting. He wished all well!

Meeting adjourned at 7:35PM


City Clerk Wayne Jertson




Mayor Peter Christie